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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,473	09/17/2001	Paul W. Forney	213307	7771

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EXAMINER

PITARO, RYAN F

ART UNIT PAPER NUMBER

2174

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,473

Applicant(s)

FORNEY ET AL.

Examiner

Ryan F. Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-20 have been examined.

### ***Response to Amendment***

2. This communication is responsive to the request filed 1/3/2006.
3. Claims 1-20 are pending in this application. This action is final.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3,5,6,8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al ("Khan", US2002/0046254) in view of Wewalaarachchi et al ("Wewalaarachchi", US 6571140).

As per claim independent claim 1, Khan teaches a customer-configurable plant process observation portal server for collecting plant process information, in accordance with a user designated set of information sources, and for disseminating the information to users via network connections, the portal server comprising: an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server ([0077]-

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[0079]); a portal server data interface, accessible via remote networked stations, providing user access to plant information associated with the set of designated plant information sources ([0086] lines 1-12); and a portal configuration utility enabling a user to at least designate a new plant information source via a configuration interface, the new plant information source thereafter being added to the extensible set of plant information sources ([0005] lines 1-5, [0078] lines 1-12). Khan fails to distinctly point out the system utilizing plan process information. However, Wewalaarachchi teaches a plant process (Column 1 lines 24-37, lines 63-67). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Wewalaarachchi with the system of Kahn. Motivation to do so would have been to provide diverse way to control a real time system.

As per claim 2, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal configuration utility further enables a user to designate a manner in which data from sources of information is visually depicted on a user interface rendered by the portal server for a particular portal site (Kahn, [0085] lines 1-16).

As per claim 3, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal server comprises at least one association with an Internet portal site from which data received from plant information sources is accessed by users ([0093] lines 1-6).

As per claim 5, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal configuration utility further enables a user to designate a new

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data handler to be added to an extensible set of data handlers that process information of particular types provided by the extensible set of plant information sources (Wewalaarachchi, Column 7 lines 41-54).

As per claim 6, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant information source comprises a Web page, and the portal configuration utility is accessible by a browser (Khan, [0079] lines 3-19).

Claim 8 is similar in scope to that of claim 5 and is therefore rejected under similar rationale.

Claim 9 is similar in scope to that of claim 2 and is therefore rejected under similar rationale.

Claims 10,11 are individually similar in scope to that of claim 1 and are therefore rejected under similar rationale.

As per claim 12, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system further comprising a plurality of data handlers that process information of particular types provided by the extensible set of plant sources (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 13, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the plurality of data handlers comprises a process history database handler (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 14, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the plurality of data handlers comprises an alarm handler (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 15, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the plurality of data handlers comprises a data exchange protocol specific handler (Wewalaarachchi, Column 7 lines 4-20).

As per claim 16, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the extensible source registry facilitates storing plant information provided by multiple controllers, thereby facilitating accessing data generated by multiple controllers via a single physical node on a process control network (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

Claim 17 is similar in scope to that of claim 13 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to that of claim 14 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 15 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 16 and is therefore rejected under similar rationale.

6. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al ("Khan", US2002/0046254) and Wewalaarachchi et al ("Wewalaarachchi", US 6571140) in view of Polizzi et al ("Polizzi", US2002/0052954).

As per claim 4, which is dependent on claim 1, Khan-Wewalaarachchi fails to distinctly point out a network being an intranet. However, Polizzi teaches a system wherein the portal server comprises at least one association with an intranet portal site from which data received from plant information sources is accessed by users ([0007] lines 7-9). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Polizzi with the system of Khan-Wewalaarachchi. Motivation to do so would have been to provide a more secure way of providing a portal.

As per claim 7, which is dependent on claim 6, Khan-Wewalaarachchi-Polizzi teaches a system wherein the configuration template wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant information source comprises a Web page, and the portal configuration utility is accessible by a browser (Polizzi, abstract lines 18-21).

### ***Response to Arguments***

Applicant's arguments filed 1/3/2006 have been fully considered but they are not persuasive.

Applicants argue that there is no motivation to combine Khan with Wewalaarachchi, and that Khan does not even mention a plant or suggest plant information. Khan teaches an information hub with customizable data sources in a portal environment. Using the portal system of Khan would allow a user to access and manage information from any source. Wewalaarachchi is very analogous to Khan in that Wewalaarachchi teaches a method of managing and customizing data sources. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Wewalaarachchi with the system of Kahn. Motivation to do so would have been to provide diverse way to control a real time system.

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
Patent Examiner  
Art Unit 2174

RFP

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